

# Fact and Rationale Document



## **For Class II General Permit Number G40-B for the Construction, Modification, Relocation, Administrative Update, Operation and Prevention and Control of Air Pollution from the Operation of Nonmetallic Minerals Processing Under 45CSR13**

This Fact and Rationale Document serves to address the changes specific to Class II General Permit G40-B and shall be considered a supplement to the original Fact Sheet corresponding with the issuance of the initial General Permit issued on April 13, 2000.

Permit Number: **G40-B**

*Revised*

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### **Description of Activity**

Eligible nonmetallic minerals processing plants will have a SIC code of 1422, 1423, 1429, 1442, 1446, 1481, or 1499 and be subject to the New Source Performance Standards of 45CSR16 & 40 C.F.R. 60, Subpart OOO (or an existing plant which will be newly subject to NSPS upon modification). This Class II General Permit is being updated to reflect rule changes promulgated in 2000 and 2003 and to allow the registration of up to three (3) separate locations.

### **County**

Any West Virginia county except for any nonmetallic minerals processing plant located within the boundaries of or which may significantly impact any PM<sub>10</sub> nonattainment area.

### **Sources and Estimation of Emissions**

Nonmetallic minerals processing plants that emit only particulate matter are eligible for registration under this Class II General Permit. Sources of particulate matter emissions at eligible nonmetallic minerals processing plants include but are not limited to; crushers, screens, transfer points, stockpiles, bins, storage silos, and paved and unpaved haulroads. An estimate of point source and fugitive particulate matter emissions shall be submitted with each Class II General Permit *Registration Application*.

### **Rationale**

**Authority.** This Class II General Permit is issued in accordance with West Virginia air pollution control

law W.Va. Code "22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- a. 45CSR13 - *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation*. As provided in 45CSR13-4.10., the Director may issue Class II General Permits involving the same or similar processes or pollutants;
- b. 45CSR7 - *To Prevent and Control Air Pollution from Manufacturing Process Operations*;
- c. 45CSR16 - *Standards of Performance for Stationary Sources*. 45CSR16 incorporates by reference 40 C.F.R. 60, Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants; and
- d. 45CSR17 – *To Prevent and Control Particulate Air Pollution From Materials Handling, Preparation, Storage and sources of Fugitive Particulate Matter*.

As provided in 45CSR13, the Director may issue Class II General Permits involving the same or similar processes or pollutants. For eligible applicants and/or registrants, Class II General Permit registration satisfies the construction, modification, relocation and operating permit requirements of 45CSR13, 45CSR7, 45CSR16, and 45CSR17.

**Purpose.** The purpose of this Class II General Permit is to authorize the construction, modification, relocation or administrative update and operation of eligible nonmetallic minerals processing plants through a Class II General Permit registration process. The requirements, provisions, standards and conditions of this Class II General Permit address the prevention and control of air pollutants from the operation of nonmetallic minerals processing plants.

**History.** General permits have provided state environmental agencies, EPA and the regulated community with an efficient permitting mechanism since the early 1990s. WVDEP has operated an Division of Air Quality general permitting program since 1997.

**Projection.** Provided with an administratively and technically complete Class II General Permit *Registration Application*, the Division of Air Quality shall issue Class II General Permit registration to eligible applicants within the regulatory time frames set forth in 45CSR13.

#### **Term and Renewal**

- a. This Class II General Permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR7, 45CSR13, 45CSR16, 45CSR17 or any other applicable legislative rule;
- b. Class II General Permit registration granted by the Director shall remain valid, continuous and in effect unless it is suspended or revoked by the Director or this Class II General Permit is subject to action or change; and
- c. The Director shall review and may renew, reissue or revise this Class II General Permit for cause. The Director shall define the terms and conditions under which existing General Permit registrations will be eligible for registration under a renewed, reissued or revised Class II General Permit and provide written notification to all General Permit registrants (or applicants). This notification shall also describe the registrant's (or applicant's) duty or required action and may include a request for any additional information that may be required by any proposed Class II General Permit renewal, reissuance or revision.

#### **Eligibility and Registration**

All nonmetallic mineral processing plants having a Standard Industrial Classification (SIC) code of 1422, 1423, 1429, 1442, 1446, 1481, or 1499 are eligible for Class II General Permit registration except for:

1. Any nonmetallic minerals processing plant with a raw material process design capacity (input) of more than 1,200 tons per hour or more than 8,760,000 tons per year (Class II General Permit Throughput Eligibility Limit);

2. Any nonmetallic minerals processing plant which is a major source as defined in 45CSR14-2.30. or 45CSR30 (Class II General Permit Emission Eligibility Limit);
3. Any nonmetallic minerals processing plant , facility or equipment that is subject to the requirements of 45CSR2, 45CSR3, 45CSR5, 45CSR14 or 45CSR19;
4. Any nonmetallic mineral processing plant which will require an individual permit review process and/or individual permit provisions to address the emission of a regulated pollutant other than particulate matter or to incorporate regulatory requirements other than those established by 45CSR7, 45CSR13, 45CSR16, 45CSR17, and the New Source Performance Standards of 40 C.F.R. 60, Subpart OOO;
5. Any nonmetallic mineral processing plant located in an underground mine;
6. Any nonmetallic minerals processing plant located in or which may significantly impact the area of Brooke County west of State Route 2, north of an extension of the southern boundary of Steubenville Township in Jefferson County, Ohio and south of the Market Street Bridge;
7. Any nonmetallic minerals processing plant located within the boundaries of or which may significantly impact the Weirton PM<sub>10</sub> nonattainment area; or
8. Any nonmetallic minerals processing plant located in or which may significantly impact an area, which has been determined to be a PM<sub>10</sub> maintenance or nonattainment area.

### Regulatory Applicability

State: 45CSR7	<i>To Prevent and Control Particulate Air Pollution from Manufacturing Process Operations.</i>
45CSR13	<i>Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation.</i>
45CSR16	<i>Standards of Performance for Stationary Sources.</i> 45CSR16 incorporates by reference 40 C.F.R. 60, Subpart OOO - <i>Standards of Performance for Nonmetallic Mineral Processing Plants.</i>
45CSR17	<i>To Prevent and Control Particulate Air Pollution From Materials Handling, Preparation, Storage and sources of Fugitive Particulate Matter.</i>
45CSR30	Requirements for Operating Permits.
Federal: 40 C.F.R. 60, Subpart OOO	<i>Standards of Performance for Nonmetallic Minerals Processing Plants.</i>

### Air Quality Impact Analysis

Air dispersion modeling will be performed when the Director finds existing circumstances and/or submitted data provide cause for an assessment to be made concerning whether a specific nonmetallic minerals processing plant may interfere with attainment or maintenance of an applicable ambient air quality standard or cause or contribute to a violation of an applicable air quality increment from any proposed Class II General Permit registration action. Factors to be considered when determining whether an ambient air assessment would be made include:

- a. Existing air quality of the area;
- b. Topographic or meteorological factors;
- c. Maximum emissions; and
- d. Siting criteria.

### Public Comment Period

The West Virginia Department of Environmental Protection Division of Air Quality (DAQ) is providing notice to the general public of its intent to issue a Class II General Permit for the Construction, Modification, Relocation and Prevention and Control of Air Pollution from the Operation of Nonmetallic Minerals Processing Plants pursuant to WV Legislative Rules 45CSR7, 45CSR13, 45CSR16, and 45CSR17.

Provided that the applicant or registrant can demonstrate compliance with the requirements, provisions, standards and conditions of this Class II General Permit, the DAQ has determined that all state air quality requirements will be met by any eligible nonmetallic minerals processing plant. Any nonmetallic minerals processing plant granted Class II General Permit registration by the Director shall not have a potential to emit of Particulate Matter (PM) in an amount equal to or greater than 250 tons per.

The public may provide written comments regarding this DRAFT Class II General Permit to the Division of Air Quality during the period from **July 10 through August 8, 2003. All written comments pursuant to this notice must be received by the DAQ within thirty (30) days of the date of publication of this notice.** Based upon the significance of any written comments received addressing the subject of this notice, the Director of the DAQ may elect to hold a public meeting to receive further public comment. Prior to taking any final action on this permitting issue, the DAQ will consider only those written comments relevant to air quality issues which this Division has jurisdiction. Such written comments must be received within the specified time frame and at the address below.

This notice provides an opportunity for the public to review the DRAFT Class II General Permit and Fact and Rationale Document. In the event you wish to submit written comments addressing this permitting action, include your name, a return address, and a daytime telephone number and indicate any organization on behalf of which your comments are submitted. If, in your written comment you request that a public meeting be held to discuss this permitting action, please state the specific air quality issue(s) which you feel requires additional evaluation by this Division. All public comments are a part of the public record and are available for inspection by any interested party.

Copies of the DRAFT Class II General Permit and Fact and Rationale Document are available for public review at the following location between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, holidays excluded, unless otherwise noted below:

West Virginia Department of Environmental Protection  
Division of Air Quality  
7012 MacCorkle Avenue, SE  
Charleston, WV 25304-2943  
Contact: B. Brian Beaver  
(304) 926-3727  
[www.dep.state.wv.us](http://www.dep.state.wv.us)

### **Comment Period**

Beginning Date: July 10, 2003  
Ending Date: August 8, 2003

All written comments should be addressed to the following individual and office:

B. Brian Beaver  
General Permits Coordinator  
West Virginia Department of Environmental Protection  
Division of Air Quality  
7012 MacCorkle Avenue, SE  
Charleston, WV 25304-2943

### **When to Apply**

After the effective date of the Class II General Permit, an owner or operator may submit a Class II General Permit *Registration Application* for construction, modification, relocation and/or operation of any eligible or proposed nonmetallic minerals processing plant in lieu of submitting a individual permit application pursuant to 45CSR13.

### **Point of Contact**

Comments and questions concerning the proposed Class II General Permit should be addressed to the following office and individual:

B. Brian Beaver  
West Virginia Department of Environmental Protection  
Division of Air Quality  
7012 MacCorkle Avenue, SE  
Charleston, WV 25304-2943  
Telephone: (304) 926-3727  
Fax: (304) 926-3739